

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: May 5, 2009
POSITION: Oppose

BILL NUMBER: SB 292
AUTHOR: L. Hancock

BILL SUMMARY: Prisoners: Alternative Incarceration

This bill would authorize the Secretary of the California Department of Corrections and Rehabilitation (CDCR) to enter into contracts with Alternative Incarceration Facilities (AIF) that are certified by the American Correctional Association as providing evidence-based programs for case management, drug treatment, and mental health counseling, or as having access to community-based providers of those services. This bill would also establish a compensation scheme for AIF providers and would require a retired correctional facility officer with specified experience to be present at such a facility.

FISCAL SUMMARY

The CDCR indicates that if they were to implement this measure they would be required to provide the owner of an AIF with a monthly payment totaling \$29,928 for each inmate housed at the AIF (\$359,124 annually per inmate). According to the CDCR, operating one AIF at capacity would result in annual costs of approximately \$4.3 million General Fund. The CDCR notes that required expenditures for education and vocational programs are expected to increase these costs. As a point of comparison the CDCR administers its Community Correctional Facility (CCF) program for a fraction of the cost. Annually, the CDCR expends approximately \$19,491 per CCF inmate. The cost of incarcerating the same number of inmates at a CCF as would be incarcerated in one AIF is \$487,275, or approximately \$3.8 million less per year.

We note that this measure would authorize the CDCR to contract with an AIF and require the CDCR to adopt regulations relating to an AIF program. Requiring the CDCR to adopt regulations for a voluntary program does not obligate them to implement the program. As a result merely authorizing the CDCR to contract with an AIF should not result in any additional costs to the state. To the extent the CDCR chooses to implement the AIF program they would be expected to submit a request and seek approval through the annual budget process.

COMMENTS

The Department of Finance is opposed to this measure because it would create a General Fund pressure to fund a new program at a time when the state is facing a budget deficit.

Current law authorizes CDCR to construct, establish, and operate reentry program facilities throughout the state, as specified. Current law also authorizes CDCR to establish and operate facilities to be known as community correctional centers, to provide housing, supervision, counseling, and other correctional programs for persons committed to the CDCR

(Continued)

Analyst/Principal Date Program Budget Manager Date
(0234) K. Gmeinder Todd Jerue

Department Deputy Director Date

Governor's Office: By: Date: Position Approved
Position Disapproved

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

L. Hancock

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SB 292

COMMENTS (continued)

This bill would:

- Define AIF to mean a secure residential facility to be used for the purpose of housing nonviolent inmates who meet the criteria set forth in this bill.
- Authorize the CDCR to contract with an AIF for placement of inmates who meet specified criteria.
- Require the CDCR to adopt regulations, as specified.
- Require that each AIF have present, at all times, a retired, qualified correctional peace officer with at least five years of experience as a correctional peace officer and at least two years' management experience as a parole officer.
- Authorize the Secretary of the CDCR to establish additional standards for eligibility for inmates to transfer to an AIF, and would require that those standards include criteria for individual inmate evaluation and designation to an AIF specifically suitable for that inmate.
- Require that the AIF must agree to accept the inmate prior to transfer of the inmate to the AIF.
- Authorize the operator of the AIF to return an inmate to prison at any time.
- Require that an inmate must complete a risk and needs assessment before leaving the AIF.
- Require CDCR to pay an AIF in the following manner:
 - A monthly payment per resident of an amount equal to one-half the sum determined by dividing the previous fiscal year's budget for the department by the highest number of inmates incarcerated by the department during that year.
 - \$500 for each resident who attains his or her General Education Diploma while residing at the facility.
 - \$1,000 for each resident who attains his or her Associate of Arts degree while residing at the facility.
 - \$1,000 for each resident who completes a vocational education program approved by a local school district and is accepted into a local union while residing at the facility.
- Provide that each resident of an AIF who is employed shall pay two-thirds of his or her take-home pay monthly to the operator of the AIF.
- Make legislative findings and declarations concerning incarceration.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP							
	RV	98	FC	2008-2009	FC	2009-2010	FC	2010-2011	
5225/Corr & Rehab	SO	No		-----	See Fiscal Summary	-----			0001